



# County of San Diego

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Dear Mr. Calfee  
Senior Counsel  
Governor's Office of Planning and Research  
1400 Tenth Street  
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Via email to [CEQA.Guidelines@ceres.ca.gov](mailto:CEQA.Guidelines@ceres.ca.gov)

## **COMMENTS ON THE POSSIBLE TOPICS TO BE ADDRESSED IN THE 2014 CEQA GUIDELINES UPDATE AND PRELIMINARY EVALUATION OF ALTERNATIVE METHODS OF TRANSPORTATION ANALYSIS**

The County of San Diego (County) has received and reviewed the Office of Planning and Research's (OPR) "Possible Topics to be Addressed in the 2014 California Environmental Quality Act (CEQA) Guidelines Update" and the "Preliminary Evaluation of Alternative Methods of Transportation Analysis", dated December 30, 2013, and appreciates this opportunity to comment. County Planning & Development Services (PDS) and Department of Public Works (DPW) have completed their review and have the following comments.

### Possible Topics to be Addressed in the 2014 CEQA Guidelines Update

1. The County appreciates the efforts of OPR to streamline, provide clarification and reduce redundancies in the CEQA Guidelines. The County supports CEQA Guideline changes that provide for a thorough project analysis while streamlining and simplifying the process and reducing costs. The following comments provide specific feedback on the detailed areas proposed for changes.
2. Section 15065 – A suggestion is made to add roadway widening and provision of excess parking as examples of projects that may achieve short-term environmental goals (congestion relief) to the disadvantage of long-term environmental goals (reducing greenhouse gas emissions). Specific examples should not be added until a decision is made on an alternative methodology for addressing transportation impacts. A conflict could occur where a mitigation measure for road widening (under a Level of Service analysis) could also be identified as a significant impact under Section 15065, requiring an EIR. If OPR does choose to add these as examples, the examples should

differentiate roadway widening projects that are consistent with an agency's Circulation or Mobility Element from roadway projects that are not consistent with the region's General Plan and/or not consistent with the region's Regional Transportation Plan and Sustainable Communities Strategy.

3. Section 15082 – County staff disagrees with the suggestion to add clarification that Notices of Preparation (NOPs) must be posted at the County Clerk's office. In San Diego County, posting by the County Clerk is a completely electronic process that is duplicative of the existing website posting that is done by the lead County Department. In addition, in San Diego County, the requirement to post with the County Clerk is typically associated with an additional fee (\$50) that would unnecessarily increase costs for the project applicant, without any additional public noticing benefit.
4. Section 15357 – Additional guidance on whether a project is ministerial or discretionary would be helpful, provided that the additional language does not limit the ability of a local agency to interpret when a project would meet the identified criteria of requiring "the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity..." The decision on whether the exercise of judgment or deliberation is required may vary depending on the nature of the applicable regulations of the local jurisdiction or agency.
5. Regarding proposed changes to Appendix G: Environmental Study Checklist, we offer the following comments that correspond to the bulleted suggestions provided in the OPR document:
  - a. It is unclear what purpose a new question about the conversion of open space would accomplish. The suggestion states, "Add a question about conversion of open space generally, and then give examples (agriculture, forestry, habitat connectivity, etc.) of possible impacts". It seems as though impacts to agriculture, forestry and habitat are already addressed in existing Appendix G questions related to Agricultural and Biological Resources. A new question should not be added if it creates redundancy with existing issue areas.
  - b. A new question about the cumulative loss of agricultural land is not needed as CEQA already requires that cumulative impacts be considered. As there is not a corresponding question regarding cumulative impacts for every CEQA subject area in Appendix G, a cumulative impact question is not needed in the Agricultural Resources section. The existing question in Section XVIII. Mandatory Findings of Significance in the CEQA Appendix G is adequate to cover cumulative impacts, including cumulative impacts to agricultural resources.
  - c. The suggestion to add a fire hazard question pursuant to SB 1241 should be considered together with the existing fire hazard question h) listed under VIII. Hazards and Hazardous Materials. Any new question should be reviewed to ensure there is no redundancy with the existing fire hazard question.
  - d. County staff agrees that the question about unique paleontological resources and unique geological features that is currently in Section V. Cultural Resources should be moved to Section VI. Geology and Soils.

- e. The County agrees that question c) in Section X. Land Use and Planning should be removed as it is duplicative of issues addressed in the Biological Resources section.
  - f. A new question about providing excess parking is not needed. Parking restrictions should be implemented at the local level through zoning or other local ordinances.
  - g. The CEQA Guidelines, Appendix G, XVIII. Utilities and Service Systems should be revised to remove redundancy. Regarding the suggestion to add questions related to energy infrastructure in this section, the County will be interested in reviewing and commenting on specific proposed language, when it is developed, as there are many large transmission line projects and large scale energy infrastructure projects proposed in the San Diego region.
  - h. OPR should ensure that Appendix G questions are consistent with other Sections of the CEQA Guidelines.
6. *New Appendix* – The OPR suggests adding a new Appendix to the CEQA Guidelines that provides a sample Mitigation Monitoring and Reporting Program (MMRP). The County of San Diego typically uses a project's Conditions of Approval document as the project's MMRP, as this document provides the timing requirements, authority and implementation assurances for each mitigation measure in one place. If a new Appendix with a sample MMRP is provided, it should be clear that it does not represent a prescriptive requirement for an adequate MMRP.
7. *New Appendix* – The OPR suggests a new appendix addressing Transportation Impacts. This appendix should address local conditions, safety and mode conflicts. OPR may also want to consider revising the Traffic and Transportation Appendix G questions to address safety issues.

#### Preliminary Evaluation of Alternative Methods of Transportation Analysis

8. The County looks forward to the development of alternative metrics that may better promote the establishment of multimodal transportation networks and infill development, and allow for context sensitive analysis in areas such as rural villages, suburban neighborhoods and industrial/commercial areas. The proposed alternative metrics appear to be well suited for analysis in urban type environments, but it is unclear if the metrics can be applied effectively to the level and type of mobility desirable and compatible with rural environmental and residential systems.
9. Of the two preliminary replacement metrics identified, Vehicle Miles Traveled (VMT) and Automobile Trips Generated (ATG), both are simple and less complicated than LOS. Under a LOS Analysis, local jurisdictions identify impacts and require new development to build transportation networks based on the LOS analysis. It is unclear how effective VMT and/or ATG would be in identifying the local impacts of new development and the build-out of transportation networks. The ultimate metric selected must be equitable to all forms of transportation in both urban (e.g. infill sites within transit priority areas) and rural environments. If such equity cannot be demonstrated, it may be necessary for LOS type analyses to continue to be an allowed alternative for the assessment of transportation impacts.

10. The document discusses possible mitigation options that could be used under the VMT and ATG analysis scenarios. Under both scenarios, a listed mitigation option is to locate the project in a more central location or a location that facilitates transit or active mode transportation. Relocating the project will not always be a viable mitigation option, particularly in the County where there are limited urban centers and transit nodes. Whatever analysis method is chosen, there needs to be feasible mitigation options that will serve the needs of counties and rural communities. New development currently mitigates its fair share of road improvements based on a LOS analysis. Any new methodology should provide guidance on the nexus that would need to be demonstrated to justify mitigation requirements for road improvements, as a need will continue to exist in this area. The new methodology needs to provide a nexus that would allow local governments to continue to require fair share mitigation that would recoup the costs of a project's roadway impacts. For example, many jurisdictions rely on transportation impact fee programs that allow fair share contributions toward future road improvements as a means to mitigate a project's cumulative impacts.
11. Another solution that wasn't proposed, but is equally viable, is simulation. This is a logical extension of delay, but takes into account distance, delay, speed, and travel time. Rather than require projects to mitigate based on delay at intersections, an analysis approach could be based on queue clearing and segment analysis based on the number of stops, or travel speed, or total trip time. This idea has been around for many years, but was such a switch from delay that it was never pursued. If we are truly going to move away from delay, this approach should be considered.
12. In addition to promoting "the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and diversity of land uses", the alternative criteria/metrics should also promote the safety of the traveling public. At this time, neither the current LOS analysis metric nor the proposed metrics explicitly identify public safety as a potential transportation impact. The environmental benefits of maintaining or improving public safety through transportation improvements/mitigation should be captured by any future alternative metric.
13. The Highway Safety Manual (HSM) should be incorporated into any future metric. The HSM was published in 2010 and was intended to be a companion to the Highway Capacity Manual. Implementation manuals were published in 2012. Now is the time to include safety in the project review process. Projects have always been conditioned based on capacity thresholds, but not safety thresholds. Within the typical project development process and during environmental analysis, agencies can apply the HSM to include quantitative safety in alternatives development and analysis. The HSM provides methods for agencies to objectively define locations or projects for which the potential for safety improvement is indeed significant or not. With adoption of tools and methods in the HSM, agencies can incorporate the historic safety performance of the existing road into their designation of project type and support the identification of likely reasonable alternatives. Furthermore, agencies can apply the HSM to support explicit consideration of quantitative safety during alternatives development and analysis. In the event that agencies select an alternative that does not have the highest predicted safety performance (e.g., because environmental or other impacts were greater for the

particular geometric configuration), agencies can use the HSM to identify mitigating strategies to improve safety performance for the selected alternative.

14. A new transportation analysis approach should attempt to thread existing requirements for Complete Streets and greenhouse gas reduction, to better integrate and streamline the CEQA review process.
15. Consistent with SB743, parking impacts of certain projects should not be considered significant impacts on the environment. Parking requirements should be under the purview of local jurisdictions as regulated by local ordinances.
16. Additionally, OPR should look to other countries and states for additional guidance in the development of metrics that increase *mobility* and *livability*. At the state level, Washington State has developed a policy of "concurrency". The concept that as new development occurs, all components of a transportation network must be in place "concurrently". However, even they struggle to make the concurrency policy work for all modes. This paper evaluates different strategies to "Make Concurrency More Multimodal".
17. OPR should address the timing of implementation of new transportation analysis metrics. LOS analysis is imbedded in transportation planning documents and local agency ordinances and plans and procedures for CEQA review. It will take some time to unravel LOS from the framework of transportation planning and analysis. OPR should provide ample time for local agency implementation.

The County appreciates the opportunity to comment on possible updates to the CEQA Guidelines and looks forward to reviewing the proposed text changes when they are available. If you have any questions regarding these comments, please contact Jennifer Domeier, Land Use Environmental Planner, at (858) 495-5204, or via email at [jennifer.domeier@sdcounty.ca.gov](mailto:jennifer.domeier@sdcounty.ca.gov).

Sincerely,



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